

## **CHAPTER 17.16**

### **ZONING**

Adopted Ord. 894, January 2, 2007  
Amended Ord. 898, August 20, 2007  
Amended Ord. 901, April 16, 2008  
Amended Ord. 902, May 7, 2008  
Amended Ord. 904, June 16, 2008  
Amended Ord. 907, January 14, 2009  
Amended Ord. 913, September 2, 2009  
Amended Ord. 930, November 18, 2010

---

## CHAPTER 17.16

### ZONING

#### **SECTIONS**

17.16.010	Purpose .....	16 - 1
17.16.020	Basic Provisions .....	16 - 2
17.16.030	General Requirements .....	16 - 3
17.16.040	General Administrative .....	16 - 4
17.16.050	Non-conformance .....	16 - 6
17.16.060	District Purposes.....	16 - 8
17.16.070	District Regulations.....	16 - 10
17.16.080	Downtown Central Core Mixed Use and Downtown Residential Mixed Use Zones.....	16 - 22
17.16.090	Natural Resource Overlay District .....	16 - 25
17.16.100	Floodplain Overlay District.....	16 - 27

**17.16.010 PURPOSE**

This chapter is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being, and general welfare of the City, and not limited to, but specifically to achieve the following designated objectives:

1. To protect the character and values of land and buildings and economic stability of sound residential, business, and industrial districts, and to enhance the quality of the desired environment in them by:
  - a. Preventing the intrusion of inharmonious uses.
  - b. Preventing the encroachment on desirable open space appurtenant to each district.
  - c. Providing for safe and efficient movement of existing and future traffic.
  - d. Assuring the provision of necessary off-street parking space for vehicles.
2. To provide for additional growth and development in a manner appropriate to the character of the City and which will contribute to the economic stability of the City and strengthen the basis of its private and governmental economy.
3. To assure that future development occurs in an orderly manner and is relatively compact to provide for economy and efficiency in public services and utilities and to protect the City from costs which may be incurred when unsuitable, scattered, or premature development occurs.
4. To assure satisfactory physical relationships between districts of different use characteristics and among uses of various types and to minimize conflicts among land uses.
5. To minimize traffic hazard, traffic congestion, and the conflict between land uses and the movement of traffic.
6. To promote within various City areas an attractive and pleasing appearance and to aid in the development of the City by assuring that development in areas of higher density or of commercial or industrial use and along appropriate routes of travel is neat, orderly, and attractive.
7. To control density and intensity of land use to assure lack of congestion; adequate light, air and privacy; convenience of access to property; and to assure that the economic benefits incidental to zoning will be derived from a broader base area wide, thereby enlarging the opportunity for private investment.

**17.16.020 BASIC PROVISIONS**

1. COMPLIANCE WITH CODE REQUIRED. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits, and then only after applying for and securing all permits and licenses required by all applicable laws.
2. CLASSIFICATION OF ZONES. In order to designate and regulate the size and use of structures and lands within the City, the City is hereby divided into the following zoning districts:

**Residential**

- LD Low Density Residential
- MD Medium Density Residential
- HD High Density Residential

**Downtown (Added Ord. 902, May 7, 2008)**

- CCMU Central Core Mixed Use (Added Ord. 902, May 7, 2008)
- DCMU Downtown Commercial Mixed Use (Added Ord. 930, November 18, 2010)
- DRMU Residential Mixed Use (Added Ord. 902, May 7, 2008)
- DMD Downtown Medium Density Residential (Added Ord. 902, May 7, 2008)

**Commercial**

- CR Commercial Retail
- CG Commercial General
- ID Interchange Development

**Industrial**

- IC Industrial Commercial
- IL Light Industrial
- IA Industrial/Agricultural

**Public**

- P Public/Semi Public

**Overlay Districts**

- NR Natural Resource Overlay District
- FP Flood Plain Overlay District

**3. OFFICIAL ZONING MAP**

- a. The zones and their boundaries as specified in this title are shown upon a map which is designated as the "Official Zoning Map" of the City and which is hereby adopted as part of this code.
- b. Such map shall constitute the official record of the zones within the City as of January 1989 and thereafter as the map may be modified in accordance with the provisions of this title.
- c. The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments and signed by the City Recorder.

**4. ZONING OF ANNEXED LAND**

All lands which may hereafter be annexed to the City shall be zoned in conformance with the designation of the property on the Comprehensive Plan.

### **17.16.030 GENERAL REQUIREMENTS**

1. **MINIMUM REQUIREMENTS.** In interpreting and applying this Chapter, the provisions shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
2. **MINIMUM STREET WIDTH.** All street rights-of-way shall conform to requirements in Chapter 17.26.
3. **LOTS ABUTTING A PARTIAL STREET**
  - a. No building permit shall be issued for a building or structure on a lot which abuts that side of a partially dedicated street that has not yet been dedicated or condemned.
  - b. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other section of this title.
4. **STREET DEDICATIONS AND PUBLIC IMPROVEMENTS.** Street dedications and public improvements are to be installed in accordance with the provisions of Chapters 12.04 and 12.08.
5. **BUILDINGS TO BE ACCESSIBLE TO PUBLIC STREET.** Every dwelling (or other building) shall be situated on a lot having direct access by abutting upon:
  - a. A public street
  - b. City-approved easement in accordance with 17.26.020.4.f. An easement shall not serve more than 4 dwelling units.

**17.16.040 GENERAL ADMINISTRATIVE****1. INTERPRETATIONS OF ZONING CODE**

- a. When, in the administration of this title, there is doubt regarding its intent or provisions, the City Planner shall request an interpretation of the provisions by the Planning Commission. The Planning Commission shall issue an interpretation of the question only if the Planning Commission has determined that such interpretation is within their power and is not a legislative act. (Ord. 898, August 20, 2007)
- b. Any interpretation of the general provisions of this chapter shall be as specified in Section 17.04.040. Interpretations of zone boundaries and of allowed uses within specific zoning districts shall take place as specified in Sections 17.16.040.2 and 17.16.040.3.

**2. INTERPRETATION OF ZONING BOUNDARIES.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning map, the following rules shall apply:

- a. Where the districts designated on the zoning map are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of such district.
- b. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be block lines, and where the districts designated on the zoning map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- c. Where the district boundaries appear to cross non-subdivided parcels on the zoning map, the district boundaries shall be determined by use of the scale contained on such map.

**3. USES NOT SPECIFICALLY COVERED.** The City Planner may permit in a zone any use not referenced as a permitted or conditional use in any district listed in this chapter, if he finds that the proposed use is in general keeping with the uses authorized in such district as measured by criteria in this section. In making such an interpretation, the Planner shall consider the following factors:

- a. Size, scale, configuration, bulk, and other characteristics of the requested use.
- b. Physical and operational similarity of the use to uses now allowed in the zone.
- c. Potential on-site and off-site impacts of allowing the use (traffic, noise, odors, etc.) as compared to uses now allowed in the zone.

The Planner shall issue written findings reporting the results of this interpretation. By use of this procedure the Planner shall not permit a use that is allowed in another zone. All uses authorized by this process shall, prior to development, be subject to site plan review approval.

**4. CHANGE OF USE**

- a. **Permit Required.** The change of use of a building, a portion of building, or a lot shall require a permit from the City Planner.
- b. **Application Requirements.**
  - 1) An application for a change of use permit shall be submitted on a form prescribed by the City.

- a) Within 5 days of submittal the City Planner shall determine whether the application is complete.
  - b) Within 10 days of submission of a complete application, the City Planner shall either: approve, approve with conditions, or deny the application.
  - c) The decision shall be issued in writing.
- 2) Prior to approval of the application for a change of use permit, the City Planner shall determine that the proposed use is a permitted use in the zone in which the use is proposed. If the proposed use is a conditional use, the City Planner shall inform the applicant and provide the applicant with an application for a Conditional Use. If the proposed use is not permitted in the zone, the City Planner shall deny the application.
- 3) Prior to approval of the application for a change of use permit, the City Planner shall determine that the standards of Section 17.20.060.7.a will be met.

**17.16.050 NON-CONFORMANCE**

The standards and regulations of this code embody the City's vision for the future development of the City. It is the intent of this Code that non-conformances be allowed to continue but that with future development, be brought into conformance with the standards and regulations. (Added Ord. 913, September 2, 2009)

1. **CONTINUATION OF LAWFUL USE.** Any non-conforming structure, lot, use or development legally existing on February 1, 2007, may be continued but may not be extended, expanded, reconstructed, enlarged, or structurally altered except as specified as follows:
2. **REPAIR AND MAINTENANCE.** Except as otherwise provided in this chapter, non-conforming developments and premises occupied by non-conforming uses may be repaired and maintained without restriction.
3. **NON-CONFORMING STRUCTURES.**
  - a. **Restoration or Reconstruction.** Any non-conforming structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, may be restored or reconstructed within 1 year of the date of the damage or destruction provided its non-conformity is not increased and it complies with the building code.
  - b. **Alteration.** Non-conforming structures may be altered or enlarged provided the addition or alteration is no more nonconforming than the existing structure. If the addition or alteration is within the required side or rear setbacks, the applicant shall present a written statement from the Fire Chief that the expansion will not cause a fire or safety hazard. (Amended Ord. 913, September 2, 2009)
4. **NON-CONFORMING USES**
  - a. **Discontinuation of Use.** If a non-conforming use is discontinued for more than 1 year, or superseded by a conforming use, the non-conforming use shall not be resumed. Any subsequent use shall conform to the underlying zoning district.
  - b. **Expansion.** A non-conforming use shall not be extended into a different or greater area of a lot.
5. **NON-CONFORMING LOTS**
  - a. **Vacant Non-conforming Lots.**
    - 1) A vacant non-conforming lot of record may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership at the time of or since adoption or amendment of this code. Proposed structures on any nonconforming lot larger than 7,000 square feet in area or with a lot width of 70 feet or more shall meet all the setback and development standards. The side and rear setback requirements of Section 17.16.070.3 may be reduced by 50% for lots that are 7,000 square feet or less in area or with a lot width of 70 feet or less. In addition, a legally existing nonconforming corner lot may have a front setback of only 75% of that required by Section 17.16.070.3 on the front which does not have vehicular access directly to a street. (Amended Ord. 913, September 2, 2009)
    - 2) If two or more contiguous lots of record are in same or common ownership at the time of or since adoption or amendment of this code, and if all or some of the lots do not meet



the dimensional requirements of this code, the lots shall be combined to the extent necessary to meet the dimensional standards of the district in which it is located.

- b. Built Nonconforming Lots. A structure on a nonconforming lot may be expanded or altered provided those changes can meet all the setback and development standards.
6. NONCONFORMING DEVELOPMENT. A nonconforming development shall not be substantially altered or expanded unless the development complies with all applicable standards of this code. In determining whether an alteration or expansion of a nonconforming development is substantial, the decision authority shall consider the square footage of the alteration in comparison to the total square footage of the development, the value of the alteration compared to the total value of the development, and the extent to which the portion of the development is leased property. (Amended Ord. 913, September 2, 2009)

**17.16.060 DISTRICT PURPOSES**

1. **LOW DENSITY RESIDENTIAL.** To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density shall not exceed 6 units per acre.
2. **MEDIUM DENSITY RESIDENTIAL.** To provide for single family, duplex, tri-plex, and mobile home parks, and other compatible uses with conditional approval. Density of development shall not exceed 12 dwelling units per acre.
3. **HIGH DENSITY RESIDENTIAL.** To provide for multifamily residential units, other compatible living units, their accessory structures and, with conditional use approval, other compatible uses. The minimum density shall be 13 units per acre. There shall be no upper limit to the maximum allowable dwelling density.
4. **DOWNTOWN MEDIUM DENSITY RESIDENTIAL.** To provide for compact residential development in proximity to the downtown core, subject to design requirements to assure a high level of quality. Density of development shall not be less than 10 dwelling units per acre and not exceed 15 dwelling units per acre. (Added Ord. 902, May 7, 2008)
5. **COMMERCIAL RETAIL.** To provide for retail, service, office, and other commercial activities, accessory uses and, with conditional use approval, other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s). (Ord. 898, August 20, 2007)
6. **COMMERCIAL GENERAL.** To provide for heavier commercial activities, their accessory structures, and other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s). (Ord. 898, August 20, 2007)
7. **INTERCHANGE DEVELOPMENT.** To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the traveling public. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.
8. **CENTRAL CORE MIXED USE.** To promote compact commercial and mixed commercial-residential development within the central downtown area of the city. This district encompasses the existing core area of the downtown, centered on 3rd Avenue. (Added Ord. 902, May 7, 2008)
- 8-A **DOWNTOWN COMMERCIAL MIXED USE.** To promote compact commercial and mixed commercial-residential development the portion of the 2<sup>nd</sup> Avenue that has traditionally had a concentration of automobile repair and other auto-oriented businesses. Residential uses are permitted, ranging from 12 - 30 units per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments. (Added Ord. 930, November 18, 2010)
9. **DOWNTOWN RESIDENTIAL MIXED USE.** To provide opportunities for residential, commercial and mixed use developments as part of the downtown area. This designation is applied to property north, west and east of the 3rd Avenue central core area, intended to become neighborhoods made up mainly of moderate-density residential uses, ranging from 12 - 30 units per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments. (Added Ord. 902, May 7, 2008)

10. **INDUSTRIAL COMMERCIAL.** To provide for a mixing of light industrial activities and service related commercial activities in a specific area to reduce conflicts between industrial and general commercial uses.
11. **LIGHT INDUSTRIAL.** To provide for light manufacturing, assembly, or storage areas that will not conflict with less intensive uses.
12. **INDUSTRIAL AGRICULTURE.** To provide for the retention of agricultural activities where such activities are compatible or desirable within the urban environment.
13. **PUBLIC/SEMI-PUBLIC.** To allow for the location and use of lands, buildings, and facilities that are used by the public in a manner that will not unreasonably disrupt or alter areas of the community.
14. **NATURAL RESOURCES OVERLAY DISTRICT.** To protect aquifers, the natural riparian area adjacent to the North Santiam River, Mill Creek, Stayton Ditch, Salem Ditch, and Lucas Ditch. The overlay district establishes siting criteria and operating standards that minimize environmental impacts.
15. **FLOODPLAIN OVERLAY.DISTRICT.** To protect lives and property from the periodic inundation of flood waters and to comply with federal flood control regulations as expressed in the National Flood Insurance Program.

**17.16.070 DISTRICT REGULATIONS**

1. PERMITTED AND CONDITIONAL USES. The land uses permitted in each district are shown in Table 17.16.070.1. When a property is in an overlay zone, the stricter regulations of the two zones shall apply.

P = Permitted Use  
 C = Conditional Use  
 S = Permitted Use after Site Plan Review  
 C/S = Conditional Use after Site Plan Review  
 = Prohibited Use

**Table 17.16.070.1 Permitted Land Use**

		LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
<b>RESIDENTIAL USES</b>															
1	Single-Family Detached Dwellings <sup>12</sup>	P <sup>1</sup>	P <sup>1</sup>		P <sup>1</sup>										
1a	Single-Family Attached Dwellings			S <sup>1</sup>	S <sup>1</sup>			C/S <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>					
2	Manufactured Home <sup>12</sup>	P <sup>1</sup>	P		P <sup>1</sup>										
3	Duplex		P <sup>13</sup>		P <sup>13</sup>			C <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>					
4	Triplex		S <sup>1</sup>		S <sup>1</sup>			C/S <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>					
5	Multi-Family Dwellings			S <sup>1</sup>	S <sup>1</sup>	S <sup>2</sup>	S <sup>2</sup>	C/S <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>					
6	Mobile Home Park		S	S											
7	Dwelling as a caretaker residence												S		
8	Residential Group Home	P	P		P <sup>1</sup>										
9	Residential Facilities		S	S	S			C <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>					
<b>COMMERCIAL USES</b>															
<b>Retail Trade</b>															
10	Retail Stores not specifically listed below					S	S	S	S	S					
11	Automobile Dealers					C/S	S								
12	Automotive Parts, Accessories, & Tire Stores						S	S	S	S					

**Table 17.16.070.1 Permitted Land Use - cont.**

		LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
13	Building Material & Supplies Dealers					S	S	S	S	S					
14	Lawn and Garden Equipment & Supplies Stores					S	S	S	S	S		S		S	
15	Food & Beverage Stores					S <sup>3</sup>	S	S	S	S	S <sup>4</sup>				
16	Gasoline Stations					S	S				S				
17	General Merchandise Stores					S <sup>3</sup>	S	S	S	S					
18	Gift & Novelty stores					S	S	S	S	S	S				
19	Manufactured Home Dealers											S			
20	Direct Selling Establishments (except food)						S					C			
<b>Finance and Insurance</b>															
21	Commercial Banking & Related Activities					S	S	S	S	S					
22	Securities, Other Financial Investments & Related Activities					S	S	S	S	S					
23	Insurance Carriers & Related Activities					S	S	S	S	S					
<b>Professional, Scientific and Technical Services</b>															
24	Offices of Professionals providing Legal, Accounting, Tax Preparation, Bookkeeping, Payroll, Advertising & Related Services					S	S	S	S	S					
25	Offices of Physicians, Dentists, & Other Health Practitioners					S	S	S	S	S					
26	Outpatient Care Centers					S	S	S	S	S		S			
27	Medical & Diagnostic Laboratories						S					S			
28	Home Health Care Services						S					S			
29	Architectural, Engineering, & Related Services					S	S					S			
30	Specialized Design Services					S	S	S	S	S		S			
30a	Photographic Services					S	S	S	S	S		S			

**Table 17.16.070.1 Permitted Land Use - cont.**

		LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
31	Management, Scientific, Technical Consulting, Computer Systems Design, & Related Services					S	S	S	S	S					
32	Scientific Research & Development Services					C/S	S					S			
33	Veterinary & Pet Care Services					S	S	S	S	S					
33a	Other Professional Services					S	S	S	S	S		S			
<b>Information</b>															
34	Offices of Publishing Industries (except internet)						S	S	S	S		S			
35	Radio & Television Broadcasting Offices & Studios					S	S	S	S	S					
36	Internet Publishing & Broadcasting					S	S	S	S	S					
37	Telecommunications except Broadcast and Telephone Towers					S	S	S	S	S		S			
37a	Broadcast or Telephone Tower			C/S		C/S	C/S	C/S	C/S	C/S					
38	Libraries & Archives						S	S	S	S					S
<b>Real Estate and Rental and Leasing</b>															
39	Offices of Real Estate Sales & Rental Companies					S	S	S	S	S					
40	Self-Storage Facilities						C/S					S	S		
41	Automotive Utility Trailer, & RV Equipment Rental and Leasing Services						C/S		S			S			
42	Consumer Goods Rental					C/S	S	S	S	S					
43	General Rental Centers						S								
44	Commercial & Industrial Machinery & Equipment Rental and Leasing Services											S	S		

**Table 17.16.070.1 Permitted Land Use - cont.**

		LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
<b>Management of Companies and Enterprises</b>															
45	Offices of Businesses, Non-Profit Organizations, & Governmental Agencies					S	S	S	S	S					
<b>Arts, Entertainment and Recreation</b>															
46	Performing Arts, Spectator Sports, & Amusement & Recreation Facilities					S	S	C/S	C/S	C/S				S <sup>5</sup>	S <sup>6</sup>
47	Museums, Historical Sites, & Similar Institutions							S	S	S					S
48	Golf Courses													S	
49	Public Parks														S
50	Hotel, Motel, Inn					S	S	C/S			S				
51	RV Parks and Recreational Camps										S			S	
52	Bed & Breakfast	C	C	C	C	S	S	C	C	C	S				
53	Eating & Drinking Places					S	S	S	S	S	S				
54	Caterers & Mobile Food Services						S								
<b>Administrative Support Services</b>															
55	Office Administrative Services					S	S	S		S					
56	Employment Services						S	S		S		S			
57	Business Support Services					S	S	S		S					
58	Travel Arrangement & Reservation Services					S	S	S		S					
59	Investigation & Security Services					S	S	S		S					
60	Exterminating & Pest Control Service											S	S		
61	Janitorial, Carpet & Upholstery Cleaning Services						S					S			
62	Landscaping Services						S					S		S	
<b>Other Services</b>															
63	General Automotive Repair					S	S		S						
63a	Heavy Automotive Repair						S								
64	Automotive Body, Paint, Interior, and Glass Repair						C/S		S			S	S		

**Table 17.16.070.1 Permitted Land Use - cont.**

		LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
65	Automobile Oil Change & Lubrication Shops					C/S	S					S			
66	Car Washes					C/S	S					S			
67	Electronic & Precision Equipment Repair & Maintenance						S								
68	Commercial & Industrial Machinery & Equipment (except Automotive & Electric)											S	S		
69	Personal & Household Goods Repair & Maintenance						S	S	S	S		S			
70	Personal Care Services					S	S	S	S	S					
71	Funeral Homes & Funeral Services					S	S	S	S	S					
72	Cemeteries & Crematories														S
73	Dry Cleaning & Laundry Services					S	S	S	S	S					
74	Photofinishing					S	S	S	S	S					
75	Parking Lots and Garages					S	S	S	S	S					S
<b>INDUSTRIAL USES</b>															
<b>Manufacturing</b>															
76	Food Manufacturing (except for animal slaughtering and processing and seafood preparation)					S	S					S	S	C/S <sup>7</sup>	
77	Beverage Manufacturing											S	S		
78	Textile Mills & Textile Product Mills												C/S		
79	Apparel & Leather Manufacturing											S	S		
79a	Wood Products Manufacturing												C/S		
80	Paper Mills & Paperboard Mills												S		
81	Converted Paper Product Manufacturing												S		
82	Printing & Related Support Activities					S <sup>8</sup>	S <sup>8</sup>	S <sup>8</sup>	S <sup>8</sup>	S <sup>8</sup>	S				
83	Chemical, Plastics, Rubber Products, & Nonmetallic Mineral Products Manufacturing												C/S		



**Table 17.16.070.1 Permitted Land Use - cont.**

		LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
84	Primary Metal Manufacturing												C/S		
85	Fabricated Metal Product Manufacturing											S	S		
86	Machinery Manufacturing											S	S		
87	Computer & Electronic Product Manufacturing											S	S		
88	Electrical Equipment, Appliance & Component Manufacturing											S	S		
89	Transportation Equipment Manufacturing											S	S		
90	Furniture & Related Product Manufacturing											S	S		
91	Miscellaneous Manufacturing											S	S		
<b>Construction</b>															
92	Building Construction Contractors											S	S		
93	Heavy & Civil Engineering Construction Contractors											S	S		
94	Specialty Trade Contractors											S	S		
<b>Transportation and Warehousing</b>															
95	Air Transportation (passenger or freight)												C/S <sup>9</sup>		C/S
96	Rail Transportation												S		
97	Truck Transportation (general freight & specialized freight)											S	S		
98	Transit & Ground Passenger Transportation (amended by Ord. 906, June 16, 2008)					C/S	S	C/S	C/S	C/S		S	S		S
99	Motor Vehicle Towing											S	S		
100	Postal Service						S	S	S	S					S
101	Couriers & Messenger Service					C/S	S	S	S	S					
102	Warehousing & Storage (except self-storage)											S	S		

**Table 17.16.070.1 Permitted Land Use - cont.**

		<b>LD</b>	<b>MD</b>	<b>HD</b>	<b>DMD</b>	<b>CR</b>	<b>CG</b>	<b>CCMU</b>	<b>DCMU</b>	<b>DRMU</b>	<b>ID</b>	<b>IC</b>	<b>IL</b>	<b>IA</b>	<b>P</b>
103	Automotive Wrecking Yard, Junkyard											S	C/S		
104	Boat & RV Storage											S			
<b>Wholesale Trade</b>															
105	Merchant Wholesalers						C/S								
106	Wholesale Electronic Markets & Agents & Brokers						S					S			
107	Electric Power Generation Facilities												S		C/S
108	Electricity Transmission & Distribution Facilities											S	S	S	S
109	Natural Gas Distribution Facilities											S	S		S
110	Water or Sewage Treatment Plants														S
<b>Waste Management and Remediation Services</b>															
111	Water or Sewage Collection or Distribution Facilities & Pump Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S
112	Solid Waste Collection Facilities												S		S
113	Solid Waste Treatment and Disposal														S
114	Waste Remediation Services												C/S		
115	Materials Recovery Facilities												S		S <sup>6</sup>
<b>AGRICULTURAL USES</b>															
116	Crop Production													S	
<b>PUBLIC INSTITUTIONS</b>															
<b>Public Administration</b>															
117	Justice, Public Order, & Safety Activities					S	S	S	S	S					S
<b>Health and Social Assistance</b>															
118	Hospitals					C/S	S								S
119	Nursing & Residential Care Facilities	C	C	C/S											
<b>Educational Services</b>															
120	Day Care Facility	C/S	C/S	C/S		S	S	S	S	S		S	S <sup>10</sup>		S <sup>10</sup>
121	Family Child Care Center	P	P	P				P	P	P					

**Table 17.16.070.1 Permitted Land Use - cont.**

		LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
122	Elementary & Secondary Schools, Junior Colleges, Colleges, Universities, & Professional Schools					S	S	S	S	S					S
123	Business Schools & Computer & Management Training					S	S	S	S	S					
124	Technical, Trade or Other Schools & Instructions					S	S	S	S	S					
125	Educational Support Services					S	S	S	S	S					S
<b>Religious and Civic Organizations</b>															
126	Places of Worship							S	S	S					S
127	Social & Civic Organizations					S	S	S	S	S					
<b>ACCESSORY &amp; OTHER USES</b>															
128	Antennas > 55 feet high	C	C	C		P	P	P	P	P	P	P	P	C	P
129	Antennas > 75 feet high	C	C	C		C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C	C/S
130	Home Occupations	P	P	P <sup>11</sup>		P	P	P	P	P					
131	Accessory Uses	P	P	P		P	P	P	P	P	P	P	P	P	P
132	Accessory Structures	P	P	P		P	P	P	P	P	P	P	P	P	P
133	Open Storage Areas					P	P					P	P	P	P
134	Outdoor Storage Yard											P	P		

## Notes to Table 17.16.070.1

- <sup>1</sup> Subject to design requirements, see Chapter 17.20
- <sup>2</sup> Only as part of mixed use development, and not on the ground floor
- <sup>3</sup> Limited to 10,000 square feet gross floor area
- <sup>4</sup> Convenience stores only
- <sup>5</sup> Limited to arenas and fairgrounds
- <sup>6</sup> Only owned by a public/semi-public entity
- <sup>7</sup> Fruit and Vegetable Canning, Pickling, Freezing, and Drying only
- <sup>8</sup> Quick printing or under 10,000 square feet gross floor area
- <sup>9</sup> Heliport only

<sup>10</sup> As an accessory use only

<sup>11</sup> Only if no employees other than residents, otherwise, C

<sup>12</sup> Only one single family or manufactured home per lot

<sup>13</sup> Site plan review is required if there is more than one duplex on a parcel.

(Table and footnote 13 amended by Ord. 898, August 20, 2007)

(Table amended by Ord. 902, May 7, 2008, Ord. 907, January 14, 2009, Ord. 913, September 2, 2009, Ord. 930, November 18, 2010)

## 2. DIMENSIONAL REQUIREMENTS FOR LOTS.

- a. All lots shall comply with the minimum requirements of Table 17.16.070.2. Additional requirements may be imposed by other provisions of this Code. It is a violation of this Code to create a lot which does not meet the dimensional requirements of this section.

**Table 17.16.070.2 Minimum Dimensional Requirements for Lots**

	<b>LD</b>	<b>MD</b>	<b>HD</b>	<b>DMD</b>	<b>CR</b>	<b>CG</b>	<b>CCMU</b>	<b>DCMU</b>	<b>DRMU</b>	<b>ID</b>	<b>IC</b>	<b>IL</b>	<b>IA</b>	<b>P</b>
Lot Area (square feet) <sup>1</sup>	8,000 <sup>2</sup>	7,000 <sup>3</sup>	6,000	7,000	0	0	0	0	0	0	0	0	5 acres	0
Lot Width (feet)	80 <sup>4</sup>	70 <sup>4</sup>	60 <sup>4</sup>	40	0	0	0	0	0	0	0	0	0	0
Average Width (feet)	80	70	60	40	0	0	0	0	0	0	0	0	0	0

(Table amended by Ord. 902, May 7, 2008, Ord. 930, November 18, 2010)

### Notes to Table 17.16.070.2

<sup>1</sup> The decision authority may require larger lot areas at the time a partition or subdivision is approved if they determine that it is necessary to do any of the following:

- Protect natural drainage ways.
- Provide drainage or utility easement.
- Protect future right-of-way.
- Protect unbuildable steep slope areas above 15 percent slope.
- Protect flood plain hazard or wetland areas.

<sup>2</sup> 10,000 square feet for all lots east of a north-south line from the north City limits to the south City limits running along the center line of Tenth Avenue

<sup>3</sup> A tri-plex requires a minimum lot area of 10,500 square feet

<sup>4</sup> 40 feet for lots with frontage on a cul-de-sac

### 3. DIMENSIONAL REQUIREMENTS FOR STRUCTURES.

- a. All structures shall comply with the requirements of Table 17.16.070.3. Setback requirements are minimum requirements. Building height is a maximum requirement. Additional requirements may be imposed by other provisions of this Code.

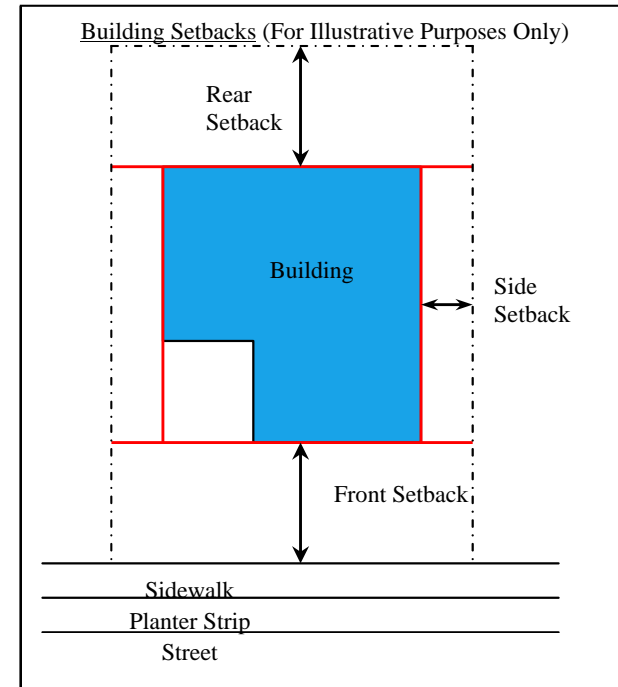
**Table 17.16.070.3 Dimensional Requirements for Structures**

	<b>LD</b>	<b>MD</b>	<b>HD</b>	<b>DMD</b>	<b>CR</b>	<b>CG</b>	<b>ID</b>	<b>CCMU</b>	<b>DCMU</b>	<b>DRMU</b>	<b>IC</b>	<b>IL</b>	<b>IA</b>	<b>P</b>
Front Yard Setback (feet) <sup>1</sup>	20 <sup>2</sup>	20 <sup>2</sup>	20 <sup>2</sup>	-- <sup>8</sup>	0	0	0	-- <sup>8</sup>	-- <sup>8</sup>	-- <sup>8</sup>	0	0	0	0
Side Yard Setback (feet)	5	5	5	-- <sup>8</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	-- <sup>8</sup>	-- <sup>8</sup>	-- <sup>8</sup>	0 <sup>4</sup>	0 <sup>4</sup>	0	0 <sup>3</sup>
Rear Yard Setback (feet)	20	15	15	-- <sup>8</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	-- <sup>8</sup>	-- <sup>8</sup>	-- <sup>8</sup>	0 <sup>4</sup>	0 <sup>3</sup>	0	0 <sup>3</sup>
Building Height (feet) <sup>5</sup>	35 <sup>6</sup>	35 <sup>6</sup>	-- <sup>4</sup>	-- <sup>8</sup>	60 <sup>7</sup>	60 <sup>7</sup>	60 <sup>7</sup>	-- <sup>8</sup>	-- <sup>8</sup>	-- <sup>8</sup>	-- <sup>4</sup>	-- <sup>4</sup>	-- <sup>4</sup>	60 <sup>7</sup>

(Table amended by Ord. 902, May 7, 2008 Ord. 930, November 18, 2010)

#### Notes to Table 17.16.070.3

- <sup>1</sup> Front setbacks are also subject to the requirements of Section 17.20.080
- <sup>2</sup> 25 feet to a garage entrance, except a garage on a back lot or flag lot. (Ord. 898, August 20, 2007)
- <sup>3</sup> 10 feet when adjacent to a residential district, or as may be established through a site plan review
- <sup>4</sup> As may be established through a site plan review
- <sup>5</sup> Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 55 feet, unless conditional use approval is obtained.
- <sup>6</sup> Or 2 ½ stories
- <sup>7</sup> Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 15 feet above the highest point of the principal structure existing on the structure unless conditional use approval is obtained.
- <sup>8</sup> See the requirements of Section 17.16.080 further details and requirements. (Added Ord. 902, May 7, 2008)



4. ADDITIONAL REGULATIONS FOR SINGLE FAMILY DWELLINGS AND MANUFACTURED HOMES ON INDIVIDUAL LOTS.

- a. Within the Low Density and Medium Density Residential Districts, all new single-family dwelling, subject to the following development standards:
  - 1) Floor Area. A conventional dwelling shall have a minimum floor area of 1,000 square feet.
  - 2) (Repealed Ord. 898, August 20, 2007)
  - 3) Design Features. All new single family dwellings, including manufactured homes, shall contain the following design feature requirements:
    - a) Attached or detached garage with exterior materials matching the home. (Ord. 898, August 20, 2007)
    - b) Gutters and downspouts.
  - 4) In addition, new single family dwellings, including manufactured homes, shall contain at least 4 of the following design elements on the side(s) of the home which fronts on a street to provide architectural relief:
    - a) Dormers or gables.
    - b) Cupolas.
    - c) Bay or bow windows.
    - d) Exterior shutters.
    - e) Recessed entries.
    - f) Front porch of at least 100 square feet, which may extend into the required front yard.
    - g) Covered porch entries.
    - h) Pillars or posts in the front entry area.
    - i) Roof with pitch greater than 3 feet in height per each 12 feet in length.
    - j) Front-side exterior brickwork or masonry.
  - 5) BUILDING ORIENTATION. If the lot fronts a public street, the architectural front of the single family home shall face the street.
- b. In the Low Density and Medium Density Districts, manufactured homes on individual lots shall meet the following development standards:
  - 1) Floor Area. The manufactured home shall have a minimum floor area of 1,000 square feet.
  - 2) Width. The manufactured home must be at least 24 feet in width.
  - 3) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of 3 feet in height for each 12 feet in length.
  - 4) Exterior Siding. The manufactured home must have standard wood siding, T-111 wood siding, or other siding with the same exterior appearance as T-111 or standard wood siding.

- 5) Garage. The manufactured home must have a garage with exterior materials matching the manufactured home. The garage shall be placed on the property prior to occupancy of the manufactured home.
- 6) Masonry Perimeter. The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
- 7) If the manufactured home is placed on a basement, the 12-inch limitation will not apply.
- 8) Performance Standards. The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.
- 9) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, shall be removed.
- 10) Design Features. All manufactured homes shall comply with the design feature requirements in Section 17.16.070.4.a.
- 11) Development Requirements. In addition to the above requirements, the manufactured home shall comply with the development requirements, including lot areas, setbacks, height limitations, and other standards, for single family dwellings in the underlying zone.

**17.16.080 DOWNTOWN CENTRAL CORE MIXED USE, DOWNTOWN COMMERCIAL MIXED USE, AND DOWNTOWN RESIDENTIAL MIXED USE ZONES** (Amended Ord. 930 November 18, 2010)

1. **PURPOSES.** This section implements the Downtown Stayton Transportation & Revitalization Plan which calls for the downtown area to accommodate intensive commercial, residential, and mixed-use development. The downtown area is envisioned as the focus of the community, incorporating these uses in a pedestrian-oriented district. The Downtown Central Core Mixed Use (CCMU), Downtown Commercial Mixed Use (DCMU), and Downtown Residential Mixed Use (DRMU) zones are designed to work together to result in a lively, prosperous downtown which serves as an attractive place to live, work, shop, and recreate with less reliance on the automobile than might be found elsewhere in the community. (Amended Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)

2. **USE AND DIMENSIONAL RESTRICTIONS.** (Added Ord. 902, May 7, 2008)

In addition to the restrictions contained in Section 17.16.070, the following additional restrictions apply with the CCMU, DCMU, and DRMU Zones. (Amended Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)

- a. Within the CCMU Zone, new dwellings shall be permitted only within buildings where the entire ground floor is in commercial use, or behind buildings where the entire ground floor is in commercial use. (Added Ord. 902, May 7, 2008)
- b. The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 10,000 square feet. (Added Ord. 902, May 7, 2008)
- c. **Floor Area Ratio** (Added Ord. 902, May 7, 2008)
  - 1) **Purpose.** The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum ratios help to ensure that more intensive forms of building development will occur in those areas appropriate for larger-scale commercial buildings and higher residential densities. (Added Ord. 902, May 7, 2008)
  - 2) **FAR Standard.** The minimum floor area ratios below apply to all non-residential building development. In mixed-use developments, residential floor space is included in the calculations of floor area ratio to determine conformance with minimum FAR. (Added Ord. 902, May 7, 2008)
  - 3) The minimum floor area ratio for the construction of a new building in the CCMU Zone shall be 0.5:1 and in the DRMU Zone shall be 0.35:1. There is no maximum floor area ratio in these zones. (Added Ord. 902, May 7, 2008)
- d. Any property with only residential use shall contain a minimum of 12 dwelling units per acre. There is no maximum density restriction. (Added Ord. 902, May 7, 2008)
- e. **Building Setback Requirements.** (Added Ord. 902, May 7, 2008)
  - 1) **Purpose.** Required building setbacks work with standards for building height and size, and floor area ratios to ensure placement of buildings in a way which creates an attractive streetscape and pleasant pedestrian experience. These regulations also ensure compatibility of building scale, leading to a coherent design scheme appropriate for the various land use districts of the Downtown. (Added Ord. 902, May 7, 2008)



- 2) Minimum Setbacks. (Added Ord. 902, May 7, 2008)
- a) Front. (Added Ord. 902, May 7, 2008)
    - i. There is no minimum front setback requirement in the CCMU, DCMU, or the DRMU zones for nonresidential buildings or mixed use buildings. (Added Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)
    - ii. Residential buildings shall have a minimum 5-foot front yard setback. For single-family attached dwellings or multifamily dwellings with direct auto access from the street, the garage entrance must be either less than 5 feet or more than 18 feet from the front lot line. For single-family attached dwellings with direct auto access from the street, a garage entrance shall not be closer to the front lot line than any other portion of the front facade of the building. (Added Ord. 902, May 7, 2008)
  - b) Side. There is no minimum side yard setback in the CCMU, DCMU, or the DRMU zones. However, any building located less than 4 feet from a side lot line shall be built at the side lot line with a common wall or provision for a future common wall. (Added Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)
  - c) Rear. There is no minimum rear setback requirement in the CCMU, DCMU, or the DRMU zones for nonresidential buildings or mixed use buildings. Residential buildings shall have a minimum 10-foot rear yard setback. (Added Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)
- 3) Maximum Setbacks. (Added Ord. 902, May 7, 2008)
- a) Front. (Added Ord. 902, May 7, 2008)
    - i. Within the CCMU Zone, a nonresidential building or mixed use building shall not be more than 10 feet from the front lot line. However, a front setback of no more than 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided in accordance with section 17.16.080.2.h. A residential building shall not be more than 20 feet from the front lot line. (Added Ord. 902, May 7, 2008)
    - ii. Within the DCMU or DRMU Zone, a building shall not be more than 20 feet from the front lot line. However, a front setback exceeding 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided in accordance with section 17.16.080.2.h. (Added Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)
    - iii. In the CCMU, DCMU, or DRMU zones, there is no maximum setback for a residential building that is located behind a nonresidential building. (Added Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)
  - b) Side. There is no maximum side yard setback in the CCMU, DCMU, or the CRMU zones. (Added Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)
  - c) Rear. There is no maximum rear setback requirement in the CCMU, DCMU, or the CRMU zones. (Added Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)
  - d) Conformance with maximum setback distance is achieved when no portion of a building facade is farther from the lot line than the distance specified above. (Added Ord. 902, May 7, 2008)

- f. **Building Height.** (Added Ord. 902, May 7, 2008)
- 1) **Purpose.** The minimum and maximum building height standards are used to establish building scales in specific areas of downtown, in order to achieve a pedestrian-friendly character that supports a wide variety of residential and commercial uses. Buildings that are compatible in terms of scale help to create a harmonious visual setting which enhances the livability of a neighborhood and helps to bring about the successful mixing of diverse land uses and activities. (Added Ord. 902, May 7, 2008)
  - 2) **Minimum.** In the CCMU, DCMU, or DRMU zones the minimum building height shall be 2 stories. The minimum building height standard applies to new commercial, residential, and mixed-use buildings. It does not apply to community service buildings accessory structures, one-time additions or expansions of non-conforming buildings of no more than 25% and less than 1,000 square feet, or to buildings with less than 1,000 square feet of floor area. (Added Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)
  - 3) **Maximum.** In the CCMU, DCMU, or DRMU zones the maximum building height shall be 4 stories, which in total shall not exceed 60 feet. (Added Ord. 902, May 7, 2008) (Amended Ord. 930, November 18, 2010)
  - 4) The floor area of the second story shall comprise not less than 50% of the total ground floor area. When such a partial second story is constructed or installed, the second story floor space shall be located over that portion of the ground floor which is nearest the abutting street or streets. (Added Ord. 902, May 7, 2008)
  - 5) In addition to conforming to the Ground Floor Windows requirements of Section 17.20.220.4.i for any new commercial or mixed-use building subject to a 2-story height minimum, at least 20% of the upper facade area shall be made up of display areas or windows for all facades facing a street. (Added Ord. 902, May 7, 2008)
- h. **Enhanced pedestrian spaces and amenities.** Enhanced pedestrian spaces and amenities consist of features such as plazas, arcades, courtyards, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks. (Added Ord. 902, May 7, 2008)

**17.16.090 NATURAL RESOURCE OVERLAY DISTRICT**

1. **BOUNDARIES OF THE NR DISTRICT.** The NR Overlay district shall include lands that are:
  - a. 100 feet from the normal high water line of the North Santiam River, Mill Creek, Lucas Ditch, Salem Ditch north of Shaff Road, except for areas within the HD, CR, CG, CCMU, DRMU, and ID zones. (Amended Ord. 902, May 7, 2008)
  - b. 50 feet from the normal high water line of the Salem Ditch and the Stayton Ditch, except for areas within the CR, CG, CCMU, and DRMU zones. (Added Ord. 902, May 7, 2008)

The provisions, requirements, and restrictions found herein shall be in addition to those found in the underlying primary zone. Where there are conflicts between the requirements of the NR Overlay zone and the requirements of the underlying primary zone, the more restrictive requirements shall apply.

2. **PERMITTED USES.** All uses are subject to site plan review.
  - a. Publicly owned buildings and facilities related to water supply and treatment, including parking and storage areas.
  - b. Recreational trails, walkways, and bikeways.
  - c. Public parks and river-related recreational facilities, including meeting rooms, viewing platforms, displays, signs, restrooms, and parking areas.
  - d. Resource enhancement projects.
  - e. Road and access drives.
  - f. Accessory uses.
3. **DEVELOPMENT CRITERIA.** Proposals for development will be subject to the following criteria in addition to the site plan review criteria in Section 17.12.220.6.
  - a. The proposal shall have as few significant detrimental environmental impacts on water as possible.
  - b. All identified impacts are mitigated through implementation of a mitigation plan approved by the City.
  - c. Existing trees and other vegetation shall be retained to the greatest extent possible pursuant to Chapter 17.20.150.
  - d. The proposal shall balance the impacts on the area with the potential for public enjoyment of the riparian environment and recreational use of the protected water body.
4. **IMPACT EVALUATION.** An impact evaluation may be required for proposals in the NR Overlay zone. The impact evaluation shall include:
  - a. Identification of all natural resources.
  - b. A storm water runoff report and plan detailing the quantity and quality of any storm water runoff from the construction or developed use of the property. The report shall detail the potential impact storm water runoff will have, if any, on the protected water bodies and shall provide a mitigation plan showing how these impacts will be averted.
  - c. The functional values of the identified resource are defined by their natural characteristics, quantity, and quality.

- d. Erosion and sedimentation control plan adequate to keep sedimentation out of water bodies.
- e. Alternative locations, design modifications, or alternative methods of development of the subject property to reduce the impacts on the water supply intakes, aquifer, and natural riparian resources are identified and evaluated.
- f. If there is any resulting degradation or loss of functional values of the natural resource as a result of development, a mitigation plan is required which will compensate for the degradation or loss.

**17.16.100 FLOODPLAIN OVERLAY DISTRICT**

1. **PURPOSE.** To protect lives and property from the periodic inundation of flood waters and to comply with federal flood control regulations as expressed in the National Flood Insurance Program.
2. **LOCATION.** All areas designated as flood plain on the Federal Insurance Rate Maps (FIRM).
3. **AUTHORITY.** Pursuant to applicable federal, state, and local building and zoning law, the City is empowered to take steps to evaluate flood potential and provide plans to reduce the possibility of flood damage through land use and building requirements and restriction.
4. **FINDINGS OF FACT.**
  - a. The flood hazard areas of Stayton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commercial and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  - b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
5. **STATEMENT OF PURPOSE.** It is the purpose of this title to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
  - a. To protect human life and health.
  - b. To minimize expenditure of public money and costly flood control projects.
  - c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
  - d. To minimize prolonged business interruptions.
  - e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
  - f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
  - g. To ensure that potential buyers are notified that property is in area of special flood hazard.
  - h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
6. **METHODS OF REDUCING FLOOD LOSSES.** In order to accomplish its purposes, this section includes methods and provisions for:
  - a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
  - b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

- c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters.
  - d. Controlling filling, grading, dredging, and other development which may increase flood damage.
  - e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
7. **LANDS TO WHICH THIS CODE SECTION APPLIES.** This code section shall apply to all areas of special flood hazards within the jurisdiction of the City of Stayton.
8. **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Marion County Oregon and incorporated areas Volume 1 and 2, Revised January 2, 2003, with accompanying Flood Insurance Rate Maps, is hereby adopted by reference and declared to be part of this code. The Flood Insurance Study is on file at Stayton City Hall. (Ord. 898, August 20, 2007)
9. **COMPLIANCE.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations.
10. **WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This code section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This code section shall not create liability on the part of the City of Stayton, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on these requirements or any administrative decision lawfully made thereunder.
11. **ESTABLISHMENT OF DEVELOPMENT PERMIT.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this section. The permit shall be for all structures including manufactured houses and for all other development including fill and other activities as set forth in the "Definitions" section of Chapter 17.04. Application for a development permit shall be made on forms provided by the City Planner. Specifically, the following information is required:
- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
  - b. Elevation in relation to mean sea level to which any structure has been flood proofed.
  - c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 17.16.100.15.b. (Ord. 898, August 20, 2007)
  - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
12. **DESIGNATION OF THE DECISION AUTHORITY.** The City Planner is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.

13. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL. Duties of the building official shall include, but not be limited to:
- a. Permit Review.
    - 1) Review all development permits to determine that the standards of this Section have been satisfied. (Ord. 898, August 20, 2007)
    - 2) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
    - 3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.16.100.18 are met. (Ord. 898, August 20, 2007)
  - b. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.16.100.8, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the standards of this Section. (Ord. 898, August 20, 2007)
  - c. Information to be Obtained and Maintained. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 17.16.100.16.b.3. (Ord. 898, August 20, 2007)
    - 1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
    - 2) For all new or substantially improved flood-proofed structures:
      - a) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed, and (Ord. 898, August 20, 2007)
      - b) Maintain the flood proofing certifications required in Section 17.16.100.11. (Ord. 898, August 20, 2007)
    - 3) Maintain for public inspection all records pertaining to the provisions of this section. (Ord. 898, August 20, 2007)
  - d. Alteration of Watercourses.
    - 1) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. (Ord. 898, August 20, 2007)
    - 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  - e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact locations of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the locations of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.0 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

14. **VARIANCES.** Variances shall be processed and acted upon pursuant to the procedures and criteria of Section 17.12.220. Approvals of variances may be conditional upon the satisfaction of both general variance criteria and those criteria and standards particular to flood hazard regulatory objectives.
15. **GENERAL CONSTRUCTION AND DEVELOPMENT STANDARDS.** In all areas of special flood hazards, the following standards are required:
- a. **Anchoring.**
    - 1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
    - 2) All manufactured housing must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top of frame ties to ground anchors. Specific requirements shall be that:
      - a) Over-the-top ties are provided at each of the four corners of the manufactured house, with 2 additional ties per side at intermediate locations, with manufactured housing less than 50 feet long requiring 1 additional tie per side.
      - b) Frame ties are provided at each corner of the house with 5 additional ties per side at intermediate points, with manufactured housing less than 50 feet long requiring 4 additional ties per side.
      - c) All components of the anchoring system are capable of carrying a force 4,800 pounds.
      - d) Any additions to the manufactured house are similarly anchored.
    - 3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the local building official that this standard has been met.
  - b. **Construction Materials and Methods.**
    - 1) All new construction and substantial improvements shall be constructed with material and utility equipment resistant to flood damage.
    - 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
    - 3) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - c. **Utilities.**
    - 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
    - 2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.



- 3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - d. Subdivision Proposals. The following standards apply to subdivision and partition proposals in areas subject to flood hazard. These standards shall be applied to approval of subdivisions or partitions in addition to approval criteria and procedures of Section 17.24.040.
    - 1) All subdivision proposals shall be consistent with the need to minimize flood damage.
    - 2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
    - 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
    - 4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposal and other proposed developments which contain at least 50 lots or five acres (whichever is less).
  - e. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 17.16.100.13), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. (Ord. 898, August 20, 2007)
16. SPECIFIC STANDARDS. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 17.16.100.8, or Section 17.16.100.13.b, the following provisions are required: (Ord. 898, August 20, 2007)
- a. Residential Construction.
    - 1) New construction and substantial improvement of any residential structure shall have the lowest floor, elevated to 1 foot above the base flood elevation per Oregon State Law.
    - 2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
      - a) A minimum to 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
      - b) The bottom of all openings shall be no higher than 1 foot above grade.
      - c) Opening may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to 1 foot above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

- 1) Be flood proofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water. (Ord. 898, August 20, 2007)
  - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - 3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.16.100.13.c. (Ord. 898, August 20, 2007)
  - 4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 17.16.100.16.a.2. (Ord. 898, August 20, 2007)
  - 5) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).
- c. **Manufactured Homes.** All manufactured homes to be placed or substantially improved within Zones AH and AE on the FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 1 foot above the base flood elevation and be securely anchored to and adequately designed foundation system to resist flotation, collapse and lateral movement.
- d. **Recreational Vehicles.** Recreational vehicles placed on sites within Zones AH and AE on the FIRM either:
- 1) Be on the site for fewer than 180 consecutive days,
  - 2) Be fully licensed and ready for use on a street, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or (Ord. 898, August 20, 2007)
  - 3) Meet the requirements of elevation and anchoring for manufactured homes. (Ord. 898, August 20, 2007)
17. **ENCROACHMENTS.** The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1 foot at any point.
18. **FLOODWAYS.** Located within areas of special flood hazard established in Section 17.16.100.8 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply: (Ord. 898, August 20, 2007)
- a. The following development is allowed within the floodway:
- 1) Protection of property and structures during a flooding emergency declared by the City of Stayton. Such protection shall be the minimum necessary to protect property and structures. A subsequent Development Permit shall be required for the protection work done during the flooding emergency, and shall demonstrate compliance with all applicable provisions of Section 17.16.100. (Ord. 898, August 20, 2007)

- 2) Signs, markers, aids, etc., placed by a public agency to serve the public.
  - 3) Pervious driveways, streets, and parking lots for existing uses where no alteration of the topography will occur.
  - 4) Maintenance of existing structures, (such as flood control structures, fish and wildlife structures, public facilities, public utilities, and other permitted structures), provided no alteration of the topography occurs.
  - 5) Public facilities and public utilities, provided a Development Permit demonstrating compliance with all applicable provisions of Section 17.16.100 is obtained. (Ord. 898, August 20, 2007)
- b. Any development not listed in Section 17.16.100.18.a. above shall not be allowed except by variance, per Section 17.12.200.6.b.2 and all applicable provisions of this Section. (Ord. 898, August 20, 2007)
- c. Any development allowed within the floodway, except for development listed in Section 17.16.100.18.a.2, 3, and 4 above, must provide through certification by a registered professional civil engineer demonstrating through hydraulic and hydrologic analysis performed in accordance with standard engineering practice that such development shall not result in any increase in flood levels during the occurrence of the base flood discharge. (Ord. 898, August 20, 2007)